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**Cc:** Berry, Laura[berry.laura@epa.gov]; Kapichak, Rudolph[kapichak.rudolph@epa.gov]; Dickinson, David[Dickinson.David@epa.gov]; Berry, Laura[berry.laura@epa.gov]  
**From:** Patulski, Meg  
**Sent:** Thur 12/1/2016 4:53:03 PM  
**Subject:** Status update on PM hot-spot brief and I-70 project analysis  
ENV DEFENSE-#786922-v5-Hot-spot\_response\_brief.doc

Karl and Mike,

It has been a crazy week, but we need to share a few more topics with you to have on your radar.

### Ex. 5 - Deliberative Process

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Laura has included more details below in her summary (thanks, Laura). She's also attached the latest version of the legal brief, and there will be another version next week for you to review if you want.

Let us know if you have questions this week, and we can certainly catch you up when Karl is back in the office.

Meg

**From:** Berry, Laura  
**Sent:** Thursday, December 01, 2016 10:36 AM  
**To:** Patulski, Meg <patulski.meg@epa.gov>  
**Subject:** Status update for Karl and Mike on PM hot-spot brief and I-70

Two items:

First: the PM hot-spot litigation

- The brief is due to the Court on December 12. We are currently the attached draft brief from DOJ. The attached draft doesn't show our comments. (Our comments are due to Susmita tomorrow.)
- Our DOJ attorney has said she'll give us another version on Dec 5 or 6 that will include our comments, so you may want to wait until that point to read it.
- Background: Sierra Club and some community groups are suing us for changing the design value calculations for PM2.5 and PM10 in the guidance.

Second: I-70 East in Denver

## Ex. 5 - Deliberative Process

*Laura Berry*

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